

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A tool retaining system comprising:
an outer casing having at least one housing member with upstanding walls extending approximately perpendicularly from a base and a plurality of female recesses defined within said walls;
a tool tray having at least two opposed side walls extending approximately perpendicularly downward from a top wall, the opposed side walls having an outer surface, the outer surface having one or more male protrusions extending therefrom, and the top wall having a plurality of tool receiving recesses, each of the tool receiving recesses including at least two opposed bit retaining members; and
wherein the male protrusions on the tool tray snap into the female recesses on the walls of the outer casing to retain the tool tray in the casing such that the tool tray cannot slide relative to the casing, said male protrusions being removable from the female receptacles by a user such that the tool tray can be removed from and reinserted into the outer casing.
2. (Original) The tool retaining system of claim 1, wherein the outer casing and the at least one tool tray are comprised of a flexible material.
3. (Cancelled)
4. (Currently Amended) The tool retaining system of claim 1, wherein the tool receiving recesses are defined in a semi-circular cross-sectional shape, ~~and further comprising two semi-circular shelves recesses perpendicularly disposed within the tool receiving recesses where~~ defining the opposed bit retaining members are disposed between the shelves.
5. (Cancelled)

6. (Original) The tool retaining system of claim 1, wherein the bit retaining members are formed to protrude at least partially into the tool receiving recesses.
7. (Withdrawn) The tool retaining system of claim 1, wherein the tool receiving recesses are defined by an inner surface having a length that is hexagonal in cross-sectional shape, and two semi-hexagonal recesses perpendicularly disposed within the tool receiving recesses defining the opposed bit retaining members.
8. (Original) The tool retaining system of claim 1, wherein the top wall of the tool tray has a recessed portion and a non recessed portion, the non recessed portion including cantilevered release members.
9. (Original) The tool retaining system of claim 8, wherein the cantilevered release members are disposed overlappingly to the tool receiving recesses, and wherein the cantilevered release members have tangs extending downwardly therefrom.
10. (Withdrawn) The tool retaining system of claim 1, wherein the tool receiving recesses has a raised nib for engaging an elongated tool.
11. (Currently Amended) A tool retaining system comprising:
at least two housing members that are hingedly attached with respect to one another, at least one of the housing members defining a recessed cavity for receiving a tool tray, the cavity comprised of a base and at least two upstanding walls ~~that include a plurality of female recesses;~~
and
a tool tray, ~~the tool tray including a plurality of male protrusions extending from at least two side walls of the tool tray, the tool tray being removably securable~~ secured to the at least one housing member ~~in non-slidable fashion by snapping the male protrusions into mating position with the female recesses;~~ and
an elastomeric band disposed at least partially about the periphery of at least one of the at least two housing members and attached to the at least two housing members, said elastomeric

band comprised of a first material and the at least one of the at least two housing members comprised of a second material.

12. (Currently Amended) The tool retaining system of claim 11, wherein the first material ~~outer casing~~ and the second material ~~at least one tool tray~~ are comprised of a flexible material.

13. (Cancelled)

14. (Original) The tool retaining system of claim 11, wherein the housing members have a split-rail latch, split-rail having opposed abutments preventing the latch from sliding to either end of the split-rail.

15. (Cancelled)

16. (Cancelled)

17. (Currently Amended) The tool retaining system of claim ~~11~~ 16, wherein the housing members have a split-rail latch, the latch includes at least one abutment preventing the latch from sliding to the end of the split-rail.

18. (Currently Amended) The tool retaining box of claim ~~11~~ 16, wherein each housing member is defined by a first pair of opposed side walls and a second pair of opposed side walls upstanding from a base, and wherein the elastomeric ~~material~~ band surrounds the first pair of opposed side walls and defines a flat thread pattern thereon.

19. (Original) The tool retaining box of claim 18, wherein two of the opposed side walls include feet that support the tool retaining box.

20. (Currently Amended) The tool retaining box of claim ~~11~~ 15, wherein the elastomeric band ~~material~~ is comprised of rubber.

21. (Currently Amended) The tool retaining box of claim 11 20, wherein the elastomeric material band includes at least one flat surface disposed about at least one of a first opposing side wall enabling the tool retaining system to stand on the side wall.

22. (Currently Amended) The tool retaining system of claim 11 46, wherein the housing members are comprised of plastic.

23. (Withdrawn) A tool retaining system comprising at least one tool tray and an outer casing, the tool tray and the outer casing being removably secured to one another by snap-fit of mating male protrusions and female recesses;

the tool tray comprising a top wall having a plurality of tool receiving recesses, the recesses defined by two opposed shelf members separated by an apertured section of the recesses, the recesses having two tool retaining members disposed within the apertured section of the recesses, the members partially projecting into a tool opening of the tool receiving recesses.

24. (Withdrawn) The tool retaining system of claim 23, wherein the at least one tool tray and the outer casing are comprised of a flexible material.

25. (Withdrawn) The tool retaining system of claim 24, wherein the flexible material further comprises plastic.

26. (Withdrawn) The tool retaining system of claim 24, wherein the top wall has a first portion and a second portion, the first portion having the tool receiving recesses disposed therein, and the second portion defining canti-levered release members.

27. (Withdrawn) The tool retaining system of claim 26, wherein first portion is recessed and the second portion is non-recessed.

28. (Withdrawn) The tool retaining system of claim 26, wherein the cantilevered release members are disposed above elongated tools secured within the tool receiving recesses, and wherein the cantilevered release member have tangs extending downwardly from the top wall.

29. (Withdrawn) The tool retaining system of claim 24, wherein the opposed shelves are circular in cross-sectional shape.
30. (Withdrawn) The tool retaining system of claim 24, wherein the opposed shelves are V-shaped.
31. (Withdrawn) The tool retaining system of claim 26, wherein the tool receiving recesses have a frontal surface and L-shaped support members that protrude from the frontal surface.
32. (Withdrawn) The tool retaining system of claim 31, wherein the L-shaped support members have a V-shaped upper surface for cradling similarly shaped elongated tools.
33. (Withdrawn) The tool retaining system of claim 23, wherein the retaining members are approximately directly opposed to one another.
34. (Withdrawn) The tool retaining system of claim 23, wherein the retaining members are staggered with respect to one another.
35. (Withdrawn) The tool retaining system of claim 23, wherein the system comprises the tool tray and at least a second tool tray.
36. (Withdrawn) The tool retaining system of claim 35, wherein male protrusions are disposed along at least two side walls of the tool tray, the side walls further comprising two vertically upstanding tangs, the tangs being matingly shaped to receive oppositely shaped tangs from the second tool tray when the casing is closed and tool tray and the second tool tray are in overlapping contact.
37. (Withdrawn) The tool retaining system of claim 23, wherein at least one of the two opposed shelves has a raised nib for engaging an elongated tool.

38. (Withdrawn) A tool retaining system comprising at least one tool and an outer casing, the tool tray and the outer casing being removably secured to one another by snap-fit of mating male protrusions and female recesses;

the tool tray further comprising a top wall having a plurality of tool receiving recesses, the recesses defined by two V-shaped opposed shelf members separated by an apertured section of the recesses, the recesses having two tool retaining members disposed within the apertured section of the recesses, the members partially covering a tool opening of the tool receiving recesses, and the tool receiving recesses having a front surface, the front surface having a tang, extending upwardly from the tool tray for supporting tools positioned therein.

39. (Withdrawn) The tool retaining system of claim 38, wherein the tang is L-shaped.

40. (Withdrawn) The tool retaining system of claim 38, wherein the at least one tool tray and the outer casing are comprised of a flexible material.

41. (Withdrawn) The tool retaining system of claim 40, wherein the flexible material is plastic.

42. (Withdrawn) The tool retaining system of claim 38, wherein the top wall has a recessed portion and a non-recessed portion, the recessed portion having the tool receiving recesses disposed therein, and the non-recessed portion having U-shaped recesses defining cantilevered release members.

43. (Withdrawn) The tool retaining system of claim 42, wherein the cantilevered release members are disposed above elongated tools secured within the tool receiving recesses, and wherein the cantilevered release member have tangs extending downwardly from the top wall.

44. (Withdrawn) The tool retaining system of claim 38, wherein the system further at least a second tool tray.

45. (Withdrawn) The tool retaining system of claim 44, wherein male protrusions are disposed along at least two side walls of the tool tray, the side walls further comprising two vertically upstanding tangs, the tangs being matingly shaped to receive oppositely shaped tangs from the second tool tray when the tool tray and second tool tray are in top wall to top wall contact.

46. (Withdrawn) The tool retaining system of claim 38, wherein at least one of the two opposed shelves has a raised nib for engaging an elongated tool.

47. (Original) A tool retaining system comprising an outer casing and an inner tool tray, the outer casing comprising two hingedly attached housing members that open and close along a hinge, each of the housing members being defined by a base and a plurality of upstanding walls, and

the outer casing being secured by a split rail latch wherein at least on housing members includes at least one abutment preventing the latch from sliding to an end of the split-rail.

48. (Withdrawn) A tool retaining system comprising at least one tool tray, the tool tray comprising:

a top wall having a first portion and a second portion,
tool receiving recesses disposed within the first portion of the top wall,
cantilevered release members disposed within the second portion, and
wherein the cantilevered release members include tangs extending downwardly from a bottom surface of the release members.

49. (Withdrawn) The tool retaining system of claim 48, wherein the first top wall portion is recessed from the second top wall portion.

50. (Withdrawn) A kit for a tool retaining system, the kit comprising:

a first housing member and a second housing member pivotally attached to one another with a hinge allowing the housing members to open and close with respect to one another;

a latch assembly including a split-rail, a sliding latch, and at least one

abutment;

at least one elongated elastomeric band disposed about at least a portion of the outer periphery of at least one of the housing members;

at least one recessed cavity defined by an inner surface of at least one of the housing members and at least two inner side walls, the inner side walls having a plurality of female recesses disposed therein,

a plurality of tool trays defined by a top wall and at least two opposed side walls, the side walls having a plurality of male protrusions extending there from and being snappably, non-slidably securable within the female recesses of the recessed cavity; and

a plurality of tool bits retained at least partially in the tool trays.

51. (Withdrawn) The kit of claim 50, wherein the plurality of the tool trays further comprises a top wall having a plurality of tool receiving recesses, the recesses defined by two opposed shelf members separated by an apertured section of the recesses, the recesses having two tool retaining members disposed within the apertured section of the recesses, the members partially projecting into a tool opening of the tool receiving recesses.

52. (Withdrawn) The kit of claim 50, wherein the plurality of tool trays further comprises a top wall having a plurality of tool receiving recesses, the recesses defined by a cavity having a semi-circular cross section, the recesses having two tool retaining members disposed within the cavity of the recesses, the members partially projecting into a tool opening of the tool receiving recesses.

53. (Withdrawn) The kit of claim 50, wherein the top wall has a recesses portion and a non-recesses portion, the recessed portion having the tool receiving recesses disposed therein, and the non-recessed portion defining cantilevered release members.

54. (Withdrawn) The kit of claim 53, wherein the cantilevered release members are disposed above elongated tools secured within the tool receiving recesses, and wherein the cantilevered release members have tangs extending downwardly from the top wall.

55. (Withdrawn) The kit of claim 54, wherein the system comprises at least a plurality of tool trays within a cavity defined in each of the housing members.
56. (Withdrawn) The kit of claim 50, wherein the at least one elongated elastomeric band is disposed about the entire outer periphery of at least one of the housing members.
57. (Withdrawn) The kit of claim 50, wherein the at least one elongated elastomeric band is disposed about the entire outer periphery of the first and second housing members.
58. (New) The tool retaining system of claim 11 wherein said first material is softer than said second material.